

Senate Engrossed

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**JANICE K. BREWER  
SECRETARY OF STATE**

State of Arizona  
Senate  
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CHAPTER 72

# **SENATE BILL 1385**

AN ACT

AMENDING SECTION 9-461.05, ARIZONA REVISED STATUTES; RELATING TO MUNICIPAL PLANS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 9-461.05, Arizona Revised Statutes, is amended to  
3 read:

4 9-461.05. General plans; authority; scope

5 A. Each planning agency shall prepare and the governing body of each  
6 municipality shall adopt a comprehensive, long-range general plan for the  
7 development of the municipality. The planning agency shall coordinate the  
8 production of its general plan with the creation of the state land department  
9 conceptual land use plans under title 37, chapter 2, article 5.1 and shall  
10 cooperate with the state land department regarding integrating the conceptual  
11 state land use plans into the municipality's general land use plan. The  
12 general plan shall include provisions that identify changes or modifications  
13 to the plan that constitute amendments and major amendments. The plan shall  
14 be adopted and readopted in the manner prescribed by section 9-461.06.

15 B. The general plan shall be so prepared that all or individual  
16 elements of it may be adopted by the governing body and that it may be made  
17 applicable to all or part of the territory of the municipality.

18 C. The general plan shall consist of a statement of community goals  
19 and development policies. It shall include maps, any necessary diagrams and  
20 text setting forth objectives, principles, standards and plan proposals. The  
21 plan shall include the following elements:

22 1. A land use element that:

23 (a) Designates the proposed general distribution and location and  
24 extent of such uses of the land for housing, business, industry, agriculture,  
25 recreation, education, public buildings and grounds, open space and other  
26 categories of public and private uses of land as may be appropriate to the  
27 municipality.

28 (b) Includes a statement of the standards of population density and  
29 building intensity recommended for the various land use categories covered by  
30 the plan.

31 (c) Identifies specific programs and policies that the municipality  
32 may use to promote infill or compact form development activity and locations  
33 where those development patterns should be encouraged.

34 (d) Includes consideration of air quality and access to incident solar  
35 energy for all general categories of land use.

36 (e) Includes policies that address maintaining a broad variety of land  
37 uses including the range of uses existing in the municipality when the plan  
38 is adopted, readopted or amended.

39 (f) For cities and towns with territory in the vicinity of a military  
40 airport or ancillary military facility as defined in section 28-8461,  
41 includes consideration of military airport or ancillary military facility  
42 operations. On or before December 31, 2005, if a city or town includes land  
43 in a high noise or accident potential zone as defined in section 28-8461, the  
44 city or town shall identify the boundaries of the high noise or accident  
45 potential zone in its general plan for purposes of planning land uses in the  
46 high noise or accident potential zone that are compatible with the operation

1 of the military airport or ancillary military facility pursuant to section  
2 28-8481, subsection J.

3 2. A circulation element consisting of the general location and extent  
4 of existing and proposed freeways, arterial and collector streets, bicycle  
5 routes and any other modes of transportation as may be appropriate, all  
6 correlated with the land use element of the plan.

7 D. For cities and towns having a population of more than two thousand  
8 five hundred persons but less than ten thousand persons and whose population  
9 growth rate exceeded an average of two per cent per year for the ten year  
10 period before the most recent United States decennial census and for cities  
11 and towns having a population of ten thousand or more persons according to  
12 the most recent United States decennial census, the general plan shall  
13 include, and for other cities and towns the general plan may include:

14 1. An open space element that includes:

15 (a) A comprehensive inventory of open space areas, recreational  
16 resources and designations of access points to open space areas and  
17 resources.

18 (b) An analysis of forecasted needs, policies for managing and  
19 protecting open space areas and resources and implementation strategies to  
20 acquire additional open space areas and further establish recreational  
21 resources.

22 (c) Policies and implementation strategies designed to promote a  
23 regional system of integrated open space and recreational resources and a  
24 consideration of any existing regional open space plans.

25 2. A growth area element, specifically identifying those areas, if  
26 any, that are particularly suitable for planned multimodal transportation and  
27 infrastructure expansion and improvements designed to support a planned  
28 concentration of a variety of uses, such as residential, office, commercial,  
29 tourism and industrial uses. This element shall include policies and  
30 implementation strategies that are designed to:

31 (a) Make automobile, transit and other multimodal circulation more  
32 efficient, make infrastructure expansion more economical and provide for a  
33 rational pattern of land development.

34 (b) Conserve significant natural resources and open space areas in the  
35 growth area and coordinate their location to similar areas outside the growth  
36 area's boundaries.

37 (c) Promote the public and private construction of timely and  
38 financially sound infrastructure expansion through the use of infrastructure  
39 funding and financing planning that is coordinated with development activity.

40 3. An environmental planning element that contains analyses, policies  
41 and strategies to address anticipated effects, if any, of plan elements on  
42 air quality, water quality and natural resources associated with proposed  
43 development under the general plan. The policies and strategies to be  
44 developed under this element shall be designed to have community-wide  
45 applicability and shall not require the production of an additional

1 environmental impact statement or similar analysis beyond the requirements of  
2 state and federal law.

3 4. A cost of development element that identifies policies and  
4 strategies that the municipality will use to require development to pay its  
5 fair share toward the cost of additional public service needs generated by  
6 new development, with appropriate exceptions when in the public interest.  
7 This element shall include:

8 (a) A component that identifies various mechanisms that are allowed by  
9 law and that can be used to fund and finance additional public services  
10 necessary to serve the development, including bonding, special taxing  
11 districts, development fees, in lieu fees, facility construction, dedications  
12 and service privatization.

13 (b) A component that identifies policies to ensure that any mechanisms  
14 that are adopted by the municipality under this element result in a  
15 beneficial use to the development, bear a reasonable relationship to the  
16 burden imposed on the municipality to provide additional necessary public  
17 services to the development and otherwise are imposed according to law.

18 5. A water resources element that addresses:

19 (a) The known legally and physically available surface water,  
20 groundwater and effluent supplies.

21 (b) The demand for water that will result from future growth projected  
22 in the general plan, added to existing uses.

23 (c) An analysis of how the demand for water that will result from  
24 future growth projected in the general plan will be served by the water  
25 supplies identified in subdivision (a) of this paragraph or a plan to obtain  
26 additional necessary water supplies.

27 E. The general plan shall include for cities of fifty thousand persons  
28 or more and may include for cities of less than fifty thousand persons the  
29 following elements or any part or phase of the following elements:

30 1. A conservation element for the conservation, development and  
31 utilization of natural resources, including forests, soils, rivers and other  
32 waters, harbors, fisheries, wildlife, minerals and other natural resources.  
33 The conservation element may also cover:

34 (a) The reclamation of land.

35 (b) Flood control.

36 (c) Prevention and control of the pollution of streams and other  
37 waters.

38 (d) Regulation of the use of land in stream channels and other areas  
39 required for the accomplishment of the conservation plan.

40 (e) Prevention, control and correction of the erosion of soils,  
41 beaches and shores.

42 (f) Protection of watersheds.

43 2. A recreation element showing a comprehensive system of areas and  
44 public sites for recreation, including the following and, if practicable,  
45 their locations and proposed development:

46 (a) Natural reservations.

- 1 (b) Parks.
- 2 (c) Parkways and scenic drives.
- 3 (d) Beaches.
- 4 (e) Playgrounds and playfields.
- 5 (f) Open space.
- 6 (g) Bicycle routes.
- 7 (h) Other recreation areas.

8 3. The circulation element provided for in subsection C, paragraph 2  
9 of this section shall also include for cities of fifty thousand persons or  
10 more and may include for cities of less than fifty thousand persons  
11 recommendations concerning parking facilities, building setback requirements  
12 and the delineations of such systems on the land, a system of street naming  
13 and house and building numbering and other matters as may be related to the  
14 improvement of circulation of traffic. The circulation element may also  
15 include:

16 (a) A transportation element showing a comprehensive transportation  
17 system, including locations of rights-of-way, terminals, viaducts and grade  
18 separations. This element of the plan may also include port, harbor,  
19 aviation and related facilities.

20 (b) A transit element showing a proposed system of rail or transit  
21 lines or other mode of transportation as may be appropriate.

22 4. A public services and facilities element showing general plans for  
23 police, fire, emergency services, sewage, refuse disposal, drainage, local  
24 utilities, rights-of-way, easements and facilities for them.

25 5. A public buildings element showing locations of civic and community  
26 centers, public schools, libraries, police and fire stations and other public  
27 buildings.

28 6. A housing element consisting of standards and programs for the  
29 elimination of substandard dwelling conditions, for the improvement of  
30 housing quality, variety and affordability and for provision of adequate  
31 sites for housing. This element shall contain an identification and analysis  
32 of existing and forecasted housing needs. This element shall be designed to  
33 make equal provision for the housing needs of all segments of the community  
34 regardless of race, color, creed or economic level.

35 7. A conservation, rehabilitation and redevelopment element consisting  
36 of plans and programs for:

37 (a) The elimination of slums and blighted areas.

38 (b) Community redevelopment, including housing sites, business and  
39 industrial sites and public building sites.

40 ~~(c) Neighborhood preservation and revitalization.~~

41 ~~(d)~~ (c) Other purposes authorized by law.

42 8. A safety element for the protection of the community from natural  
43 and artificial hazards, including features necessary for such protection as  
44 evacuation routes, peak load water supply requirements, minimum road widths  
45 according to function, clearances around structures and geologic hazard  
46 mapping in areas of known geologic hazards.

1           9. A bicycling element consisting of proposed bicycle facilities such  
2 as bicycle routes, bicycle parking areas and designated bicycle street  
3 crossing areas.

4           10. An energy element that includes:

5           (a) A component that identifies policies that encourage and provide  
6 incentives for efficient use of energy.

7           (b) An assessment that identifies policies and practices that provide  
8 for greater uses of renewable energy sources.

9           11. A NEIGHBORHOOD PRESERVATION AND REVITALIZATION ELEMENT, INCLUDING:

10           (a) A COMPONENT THAT IDENTIFIES CITY PROGRAMS THAT PROMOTE HOME  
11 OWNERSHIP, THAT PROVIDE ASSISTANCE FOR IMPROVING THE APPEARANCE OF  
12 NEIGHBORHOODS AND THAT PROMOTE MAINTENANCE OF BOTH COMMERCIAL AND RESIDENTIAL  
13 BUILDINGS IN NEIGHBORHOODS.

14           (b) A COMPONENT THAT IDENTIFIES CITY PROGRAMS THAT PROVIDE FOR THE  
15 SAFETY AND SECURITY OF NEIGHBORHOODS.

16           F. The water resources element of the general plan does not require:

17           1. New independent hydrogeologic studies.

18           2. The city or town to be a water service provider.

19           G. The land use element of a general plan of a city with a population  
20 of more than one million persons shall include protections from encroaching  
21 development for any shooting range that is owned by this state and that is  
22 located within or adjacent to the exterior municipal boundaries on or before  
23 January 1, 2004. The general plan shall establish land use categories within  
24 at least one-half mile from the exterior boundaries of the shooting range  
25 that are consistent with the continued existence of the shooting range and  
26 that exclude incompatible uses such as residences, schools, hotels, motels,  
27 hospitals or churches except that land zoned to permit these incompatible  
28 uses on August 25, 2004 are exempt from this exclusion. For the purposes of  
29 this subsection, "shooting range" means a permanently located and improved  
30 area that is designed and operated for the use of rifles, shotguns, pistols,  
31 silhouettes, skeet, trap, black powder or any other similar sport shooting in  
32 an outdoor environment. Shooting range does not include:

33           1. Any area for the exclusive use of archery or air guns.

34           2. An enclosed indoor facility that is designed to offer a totally  
35 controlled shooting environment and that includes impenetrable walls, floor  
36 and ceiling, adequate ventilation, lighting systems and acoustical treatment  
37 for sound attenuation suitable for the range's approved use.

38           3. A national guard facility located in a city or town with a  
39 population of more than one million persons.

40           4. A facility that was not owned by this state before January 1, 2002.

41           H. The policies and strategies to be developed under these elements  
42 shall be designed to have community-wide applicability and this section does  
43 not authorize the imposition of dedications, exactions, fees or other  
44 requirements that are not otherwise authorized by law.

APPROVED BY THE GOVERNOR APRIL 22, 2008.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 22, 2008.